HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.20290 OF 2000

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_DATED:18-07-2007

BETWEEN:

Smt. Nirmala Kamath, Nirmala Travels,
Rep. by its power of attorney holder
Mr.C. Ramesh Kamath.

PETITIONER

AND

The Secretary, Regional Trnasport
Authority, Chittoor & another.

RESPONDENTS.

HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.20290 OF 2000

ORAL ORDER

The petitioner is the owner of the bus covered by a pacca tourist permit under Section 88 of the Motor Vehicles Act, issued by the Karnataka State Transport Authority, Mangalore, which is valid up to 16.9.2004 to ply in the States of Kerala and Tamilnadu in addition to the home state of Karnataka. It is stated that for the purpose of taking a contract party on tour to the places in Karnataka, Tamilnadu and Tirupati in A.P., special permit was obtained under Section 88(8) of the M.V. Act from the R.T.O. of Mangalore valid from 12.1.2000 to 21.10.2000. While so, the bus was checked on 21.10.2000 while it was proceeding from Tirupati to Bangalore carrying 25 passengers and the Motor Vehicle Inspector-second respondent herein seized the bus vide cheque report No.465635 on the ground that no proof of tax to AP State was produced. Questioning the seizure of the vehicle, the

present writ petition is filed contending that while coming from Tamilnadu to Tirupati via Alivelumangapuram, as there was no check post, the driver of the bus tried to pay the tax for A.P. at the office of the transport Department, Tirupati, but could not do so as the office was closed in the night. He was advised to pay it at the check post, Palamaneru, therefore, while the bus was returning to Bangalore the driver stopped the bus near the check post, Palamaneru and offered to tender the prescribed tax of Rs.4,900/-, but the second respondent did not accept the said amount and seized the vehicle. Thereafter, the petitioner made a representation to the Secretary, Regional Transport Authority, Chittoor to accept the payment of Rs.4,900/- and release the vehicle with an undertaking that she will produce the vehicle before him whenever required, during the course of enquiry. But the respondents are not inclined to release the vehicle.

This Court while admitting the writ petition, by an order dated 24.10.2000 directed the release of the vehicle on condition of petitioner paying weekly tax as per G.O.Ms.No.142, dated 22.8.1995. It is represented that the conditional order has been complied with and the vehicle was released.

Having regard to the facts and circumstances of the case and keeping in view of the interim orders, it is directed that the release of the vehicle will be subject to the orders that would be passed by the first respondent in the enquiry, if any, initiated for violation of the Motor Vehicle Act, 1988 and the Rules made thereunder, in plying the vehicle without paying proper tax.

With the above observation, the writ petition is disposed of. No costs.

July 18, 2007 A.GOPAL REDDY, J.
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